

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DATATREASURY CORPORATION

Plaintiff

vs.

MAGTEK, INC., f/k/a
MAG-TEK, INC.

Defendant

§
§
§
§
§
§
§

CIVIL ACTION NO: 2:03cv459
(DF)

DATATREASURY'S TRIAL WITNESS LIST

DataTreasury Corporation serves this its List of Potential Trial Witnesses, and would designate the following individuals as potential and/or expected witnesses in this matter. All of the following witnesses have been previously disclosed by name and address, and most have been deposed. An asterisk identifies a witness that DataTreasury intends to call at trial:

1. Mr. Claudio Ballard*
2. Mr. Keith Delucia*
3. Mr. Nick Avena*
4. Mr. Brian Huempfner*
5. Ms. Nicole Onorato*
6. Mr. Bill Randle*
7. Mr. Charlie Parks*
8. Ms. Virginia Lupoli*

9. Mr. Peter Lupoli*
10. Mr. Mark Taylor
11. Mr. Chris Bokhart*
12. Mr. John Hiles*
13. Mr. Alan Fanucci
14. MagTek Inc. Corporate Representative(s) (live and/or by deposition)
15. Mr. Joe Gazzillo* (by deposition)
16. Mr. Steve Bruno* (by deposition)
17. Mr. Adam Hakimi* (by deposition)
18. Ms. Mimi Hart* (by deposition)
19. Mr. Carlos Morales* (by deposition)
20. Ms. Sarah Irato* (by deposition)
21. Mr. Jack Chao* (by deposition)
22. Mr. Andy Diegnan* (by deposition)
23. Mr. Jeff Duncan* (by deposition)
24. Ms. Liza MacKinnon* (by deposition)
25. Mr. John Arato* (by deposition)
26. Mr. Larry Meyers* (by deposition)
27. Mr. Lou Struett* (by deposition)
28. Mr. Jimmy Upton* (by deposition)
29. Mr. Neil Marcous* (by deposition)
30. Mr. Scot Reader* (by deposition)
31. Mr. Shekar Viswanathan* (by deposition)

32. Corporate Representative of Ameracash Corporation* (by deposition)
33. Corporate Representative of Creative Payment Solutions
34. Corporate Representative of Ingram-Micro
35. Corporate Representative The Money Box* (by deposition)
36. Mr. Rod Cooper, Esq. (regarding attorney's fees and costs)

DataTreasury also reserves the right to call at trial: (1) any witnesses designated by MagTek; (2) any witness necessary to authenticate any document; and (3) any previous witness designated or deposed by either party at any time. Plaintiff reserves the right to elicit fact and/or opinion testimony from any witness designated or identified by Defendants, and to update or amend this list of witnesses as necessary at a later time.

Respectfully submitted,

/s/Anthony Bruster
EDWARD CHIN
State Bar No. 50511688
NIX PATTERSON & ROACH, L.L.P.
5215 N. O'Connor Blvd., Ste.1900
Irving, Texas 75039
972.831.1188; 972.444.0716
edchin@nixlawfirm.com

EDWARD HOHN
State Bar No. 09813240
NIX PATTERSON & ROACH, L.L.P.
205 Linda Drive
Daingerfield, Texas 75638
903.645.7333; 903.645.4415
edhohn@nixlawfirm.com

C. CARY PATTERSON
State Bar No. 15587000
BRADY PADDOCK
State Bar No. 00791394
ANTHONY BRUSTER
State Bar No. 24036280
R. BENJAMIN KING
State Bar No. 24048592
NIX PATTERSON & ROACH L.L.P.
2900 St. Michael Drive, Suite 500
Texarkana, Texas 75503
903.223.3999; 903.223.8520
akbruster@nixlawfirm.com
bpaddock@nixlawfirm.com
benking@nixlawfirm.com

JOE KENDALL
State Bar No. 11260700
KARL RUPP
State Bar No. 24035243
PROVOST * UMPHREY, L.L.P.
3232 McKinney Avenue, Ste. 700
Dallas, Texas 75204
214.744.3000; 214.744.3015
jkendall@provostumphrey.com
krupp@provostumphrey.com

ROD COOPER
State Bar No. 90001628
THE COOPER LAW FIRM
c/o **NIX PATTERSON & ROACH LLP**
5215 N. O'Connor Blvd. Ste. 1900
Irving, Texas 75039
972.831.1188; 972.692.5445
rcooper@cooperiplaw.com

ERIC M. ALBRITTON
State Bar ;No. 00790215
ALBRITTON LAW FIRM
P.O. Box 2649
Longview, Texas 75606
903.757.8449; 903.758.7397
ema@emafirm.com

T. JOHN WARD, JR.
State Bar No. 00794818
LAW OFFICE OF T. JOHN WARD, JR.
P.O. Box 1231
Longview, Texas 75601
903.757.6400; 903.757.2323
jw@jwfirm.com

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served on the 5th day of September, 2006 as follows:

[Via E-Mail]
David Dillard
Christie, Parker & Hale, LLP
350 W. Colorado Boulevard, Suite 500
Pasadena, California 91105
626.795.9900; 626.577.8800
david.dillard@cph.com

[Via E-Mail]
Otis Carroll
Texas Bar No. 03895700
Wesley Hill
Texas Bar No. 24032294
Ireland Carroll & Kelley, P.C.
6101 South Broadway Ave., Ste. 500
Tyler, Texas 75703
903.561.1600; 903.581.1071
fedserv@icklaw.com

/s/ Anthony Bruster
ANTHONY K. BRUSTER